



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
April 17, 2018
Time: 1:00 PM

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Frank Eaman, Derek King, Brandy Robinson, Kristina Robinson, and John Shea

Participating via Telephone

Judge Jeffrey Collins, Nancy Diehl, Tom McMillin, David Schuringa (left at 5:30 pm), William Swor, and Gary Walker

Commission Members Absent

Judge James Fisher and Joseph Haveman

Members of the Public Present Included:

Sharon Arsenault, Kevin Bowling, Malcolm Brown, Peter Cunningham, State Senator Joanne Emmons, Police Chief Corey Haines, State Representative Roger Hauck, Meghann Keit, Richard Lynch, Margaret McAvoy, Melissa March, Judge Michael Martinez, Sara Spencer-Noggle, Judge Geno Salamone, Drew Van de Grift, Lynette Ward and Shelli Weisberg

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski (via telephone), Rebecca Mack, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:10 pm.

Public Comment

Executive Director Loren Khogali introduced staff members. Members of the public were invited to introduce themselves to the Commission and to offer comments.

Drew Van de Grift offered comments on behalf of Wayne County.

Sara Spencer-Noggle and Margaret McAvoy offered comments on behalf of Isabella County.

Judge Geno Salamone offered comments on behalf of 23rd District Court.

Judge Michael Martinez offered comments on behalf of the 50th District Court in Pontiac.

Kevin Bowling, 20th Circuit Court Administrator, offered comments on behalf of Ottawa County.

Malcolm Brown, Deputy County Executive offered comments on behalf of Oakland County.

State Senator Joanne Emmons, 33rd District, offered her support of Isabella County's plan.

State Representative Roger Hauck, 69th District, offered his support of Isabella County's plan.

Additions to the Agenda

There were no additions to the agenda. Mr. Eaman moved that the agenda be approved. Mr. King seconded the motion. The motion carried.

Consent Agenda

Mr. King moved that the minutes be removed from the consent agenda and that the following language be added to page 3: "The Commission Chair Puerner and Member Boyd requested MIDC Staff to work with Oakland County to try to reach an agreement on all parts of the county's compliance plan and cost analysis, except prosecutor costs, and to submit same to the Commission for approval." Judge Boyd seconded the motion. The motion carried.

Judge Boyd moved that the amended minutes be approved. Mr. Eaman seconded the motion. The motion carried.

Chair Report

Mr. Puerner reviewed the Commission meeting materials and updated the Commission on progress made since the last Commission hearing.

Executive Director Report

Ms. Khogali gave an overview of her activities since the March meeting. She submitted a written report to members for their review and invited them to contact her with questions.

Bylaw Amendments

Mr. Shea moved that the bylaws be amended as follows: "The Executive Committee shall be a permanent committee consisting of the Chair, Vice Chair and Secretary. The immediate past Chair of the Commission shall be an ex officio and non-voting member of the committee provided the chair remains a member of the Commission." Mr. Eaman seconded the motion. The motion carried.

Annual Report

A draft of the annual report was distributed to Commissioners for their review. Judge Boyd moved that the annual report be approved and published subject to final edits and suggestions made by Commissioners. Mr. Swor supported the motion. The motion carried.

Update of status of distribution of 13(2) compliance planning funds

Ms. Khogali updated the Commission on the process of distributing the funds. The grant to Wayne County was approved by the State's Administrative Board. Wayne County also approved the grant, and submitted a signed copy to Ms. Khogali. Staff continues to work with the Department of Licensing and Regulatory Affairs (LARA) to have payments made and is receiving regular updates from LARA on the payment status.

Consideration of Compliance Plans

Ms. McCowan gave the Commission an update on the compliance plan approval process thus far.

Ms. Kristina Robinson noted that her employer does deal with all of the Wayne County district courts, however her relationship with these courts does not warrant an abstention except in the case of the Wayne County Circuit Court plan.

The four committees met and considered plans referred by staff for committee review.

The committee on district court spending over \$500,000 chaired by Mr. King held a conference call on April 11, 2018 and considered the following plans:

- District 25 – Lincoln Park
- District 29 – City of Wayne
- District 36 – City of Detroit
- District 37 – Warren and Centerline
- District 39 – Roseville and Fraser
- District 43-1 – City of Hazel Park
- District 43-2 – City of Ferndale
- District 50 – City of Pontiac

The construction spending/cost allocation committee chaired by Ms. Diehl held a conference call on April 11 and considered the following plans:

- Alger County
- Branch County
- District 17 – City of Redford
- District 25 – City of Lincoln Park
- District 32a - City of Harper Woods
- District 36 – City of Detroit
- District 37 – Warren and Centerline
- District 41-a-1 – Sterling Heights
- District 48 – Bloomfield Hills
- District 50 – City of Pontiac
- Ingham County

- Ottawa County
- Kalamazoo County
- Washtenaw County

The ancillary spending committee chaired by Dr. Schuringa held a conference call on April 12, 2018 and considered the following plans:

- Alger County
- Charlevoix County
- District 16 – City of Livonia
- District 17 – City of Redford
- District 19 – City of Dearborn
- District 20 – City of Dearborn Heights
- District 21 – Garden City
- District 22 – City of Inkster
- District 23 – City of Taylor
- District 24 – City of Allen Park
- District 25 – City of Lincoln Park
- District 27 – City of Wyandotte
- District 29 – City of Wayne
- District 30 – City of Highland Park
- District 32a – City of Harper Woods
- District 39 – Roseville and Fraser
- District 41-a-1 – City of Sterling Heights
- District 43-2 – City of Ferndale
- District 43-3 – City of Madison Heights
- District 47 – Farmington/Farmington Hills
- District 48 – Bloomfield Hills
- District 50 – City of Pontiac
- District 51 – Waterford Township
- Delta County
- Gogebic County
- Grand Traverse County
- Mackinac County
- Washtenaw County
- Wayne County

The committee for plans seeking grant funding over \$1 million chaired by Mr. McMillin held a conference call on April 12 and considered the following plans:

- Berrien County
- Calhoun County
- Ingham County
- Isabella County
- Kalamazoo County

- Ottawa County
- Saginaw County
- Washtenaw County
- Wayne County.

Consideration of plans

50th District Court – City of Pontiac

Ms. McCowan and Ms. Grillo gave the Commission an overview of the plan for District 50 – City of Pontiac. MIDC staff recommends that the Commission approve the plan but disapprove the cost analysis re-submitted by the City of Pontiac. Judge Martinez and Court Administrator Lynette Ward answered questions regarding the plan.

Judge Boyd moved that the staff recommendation be adopted and that the plan for District 50 – City of Pontiac be approved but the cost analysis be disapproved. Mr. Shea seconded the motion. The motion carried.

The Commission recessed for 10 minutes.

Isabella County

Ms. McCowan and Ms. Klimaszewski gave the Commission an overview of Isabella County's plan. The plan was approved at a previous meeting. The staff recommendation is to disapprove the cost analysis that was resubmitted by Isabella County.

Ms. McAvoy and Ms. Spencer-Noggle answered Commissioners' questions and responded to concerns about the plan.

Judge Boyd moved that the staff recommendation be adopted and that the resubmitted cost analysis for Isabella County be disapproved. Mr. Shea seconded the motion. The motion carried.

23rd District Court - Taylor

Ms. McCowan and Ms. McDoniel gave the Commission an overview of the plan from the 23rd District Court in Taylor. The staff recommendation is to disapprove the cost analysis that was resubmitted by the 23rd District Court.

Judge Salamone answered Commissioners' questions and responded to concerns about the plan.

Mr. Eaman moved that the staff recommendation be adopted and that the cost analysis resubmitted by the 23rd District Court be disapproved. Ms. Brandy Robinson seconded. The motion carried.

43-3 District Court – City of Madison Heights

Ms. McCowan, Ms. Mack and Ms. Grillo gave the Commission an overview of the plan from the 43-3 District Court in Madison Heights. The staff recommendation is to disapprove the cost analysis that was resubmitted by the 43-3 District Court.

Ms. March, Chief Haines and Ms. Arsenault answered Commissioners' questions and responded to concerns raised.

Mr. Shea moved that the staff recommendation be adopted and that the cost analysis resubmitted by 43-3 District Court be disapproved. Mr. Eaman seconded the motion. The motion carried.

Ottawa County

Ms. McCowan, Ms. Mack and Mr. Dennie gave the Commission an overview of the plan from Ottawa County. The staff recommendation is to disapprove the cost analysis that was resubmitted by Ottawa County.

Mr. Bowling answered questions about the plan.

Judge Boyd moved to adopt the staff recommendation and disapprove the cost analysis resubmitted by Ottawa County. Mr. King second the motion. The motion carried.

3rd Circuit Court Wayne County

Ms. McCowan, Ms. Mack, and Ms. McDoniel gave the Commission an overview of the plan from Wayne County. The staff recommendation is to disapprove the cost analysis until the local share can be certified. Ms. McCowan reported that staff received a local share calculation just prior to the Commission meeting and will continue to work with Wayne County to finalize the numbers.

Mr. Van de Grift and Mr. Lynch answered questions about the plan.

Judge Boyd moved that the Commission approve the cost analysis not to exceed \$17,275,171. Mr. Shea seconded the motion. The motion carried. Ms. Kristina Robinson abstained from this vote because she is employed by the Wayne County Sheriff's Office.

Calhoun County

Ms. McCowan and Mr. Dennie gave the Commission an overview of Calhoun County's plan. The staff recommendation is to approve the cost analysis, the plan was previously approved.

Judge Boyd moved that the staff recommendation be adopted and the cost analysis be approved. Ms. Brandy Robinson seconded the motion. The motion carried. Mr. King abstained from the vote because of his position on the Calhoun County Board of Commissioners.

Ingham County

Ms. McCowan and Ms. Staley gave the Commission an overview of Ingham County's plan. The staff recommendation is to approve the cost analysis, the plan was previously approved.

Mr. Shea moved that the staff recommendation be adopted and that the cost analysis be approved. Mr. Eaman seconded the motion. The motion carried. Judge Boyd abstained from the vote.

Disapprove the plan and disapprove the cost analysis

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission disapprove the plan and disapprove the cost analyses resubmitted by the following systems:

- District 25 – City of Lincoln Park
- District 30 – City of Highland Park
- District 43-1 – City of Hazel Park
- Mackinac County
- Montcalm County

Judge Boyd moved that the staff recommendations be adopted, and that both the plans and the cost analyses for the systems listed above be disapproved. Mr. Eaman seconded the motion. The motion carried.

Approve the plan and disapprove the costs analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve the plan and disapprove the cost analyses resubmitted by the following systems:

- District 17 – City of Redford
- District 20 – City of Dearborn Heights
- Grand Traverse County

Judge Boyd moved that the staff recommendation be adopted and that the plans for the systems listed above be approved, but the cost analyses be disapproved. Mr. King seconded the motion. The motion carried.

Disapprove the cost analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission disapprove the cost analyses resubmitted by the following systems:

- Alger County
- Charlevoix County
- Roscommon County
- District 18 – City of Westland
- District 21 – Garden City
- District 22 – City of Inkster
- District 29 – City of Wayne
- Kalamazoo County

Mr. Shea moved that the staff recommendation be adopted and that the cost analyses resubmitted by the systems listed above be disapproved. Judge Boyd seconded the motion. The motion carried.

Approve the plan and approve the cost analyses

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve the plans and approve the cost analyses for the following systems:

- Branch County

- District 24 – City of Allen Park
- District 27 – City of Wyandotte
- District 39 – Cities of Roseville and Fraser
- District 41-a-1 – City of Sterling Heights
- District 43-2 – City of Ferndale
- District 47 – Cities of Farmington and Farmington Hills
- District 48 – Bloomfield, Bloomfield Hills
- Delta County

Judge Boyd moved that the staff recommendation be adopted and that the Commission approve the plans and approve the cost analyses for the systems listed above. Mr. Shea seconded the motion. The motion carried.

Approve the cost analyses (plans approved at an earlier meeting)

Ms. McCowan provided an overview of the following systems. MIDC staff recommends that the Commission approve cost analyses of the following systems:

- Antrim County
- Baraga, Houghton, Keweenaw Counties
- Benzie and Manistee Counties
- Cheboygan County
- Dickinson County
- Gogebic County
- Luce County
- Menominee County
- Saginaw County
- District 16 – City of Livonia
- District 19 – City of Dearborn
- District 32a – City of Harper Woods
- District 36 – City of Detroit
- District 37 – Cities of Warren and Centerline
- District 51 – Waterford Township
- Berrien County
- Washtenaw County

Judge Boyd moved that the staff recommendation be adopted and that the Commission approve the cost analyses for the systems listed above. Mr. King seconded the motion. The motion carried.

Next Meeting

Ms. Khogali will contact Commissioners to determine the next meeting date.

Adjourn

Mr. Shea moved that the meeting be adjourned. Mr. Walker seconded the motion. The motion carried.

The meeting was adjourned at 5:48 pm.

Respectfully submitted,

Marcela Westrate